

## **LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.:** Waiver of Design Standards #02002  
67<sup>th</sup> and Seward Avenue

**DATE:** February 20, 2002

**PROPOSAL:** To waive all paving, storm sewer box in Seward Avenue, 60' turnaround in N. 67<sup>th</sup> Street, sidewalks and street trees associated with Simonds Subdivision Administrative final plat #01065.

**LAND AREA:** 1.18 acres, more or less

**CONCLUSION:** The waivers will allow the productive use of the land in the administrative final plat.

**RECOMMENDATION:**

Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Paul N. Heiman, Hy-Electric, on behalf of JNP Investments, L.L.C., requests to waive all paving, box culvert, 60' turnaround on N. 67<sup>th</sup> Street, street trees, and sidewalks, for proposed Simonds Subdivision, an administrative final plat, on property legally described as Lots 7, 8, and 9, Block 7, and Lots 4, 5, and 6, Block 6, Ackerman Addition, located in the NE 1/4 of Section 9-10-7.

**LOCATION:** Generally located at 67<sup>th</sup> and Seward Avenue.

**APPLICANT:** Paul Heiman  
Hy-Electric/ JNP Investments  
6700 Seward Avenue  
Lincoln, NE 68529  
(402)466-6606

**OWNERS:** Paul Heiman Darrel Simonds  
Hy-Electric/ JNP Investments 6900 Leighton Avenue  
Lincoln, NE 68507

**CONTACT:** Paul Heiman  
(402)466-6606

**EXISTING ZONING:** R-2, Residential and I-1, Industrial

**EXISTING LAND USE:** Hy-Electric, Undeveloped and open concrete-lined storm sewer.

**SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-2, Residential
South:	Warehouses and residential	I-1, Industrial and R-2, Residential
East:	Warehouses, Office, Apartments	I-1, Industrial
West:	Ballard Park	P, Public

**HISTORY:** On September 25, 2001 Darrel Simonds submitted an administrative final plat for this area. Bond amounts for paving, storm sewer box, sidewalks, street trees and a 60' turnaround in N. 67<sup>th</sup> Street were assessed for the plat.

Street and Alley Vacation #95024 to vacate N. 67<sup>th</sup> Street was approved at Planning Commission on November 22, 1995 with the requirement that an administrative final plat was required to provide lots with frontage and access.

Converted from A-2 Single Family to R-2 Residential and from K Light Industry to I-1 Industry with the adoption of the 1979 Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan indicates this area as urban residential and industrial (page 39).

**TRAFFIC ANALYSIS:** N. 67<sup>th</sup> Street & Seward Avenue are both indicated as local streets.

**ANALYSIS:**

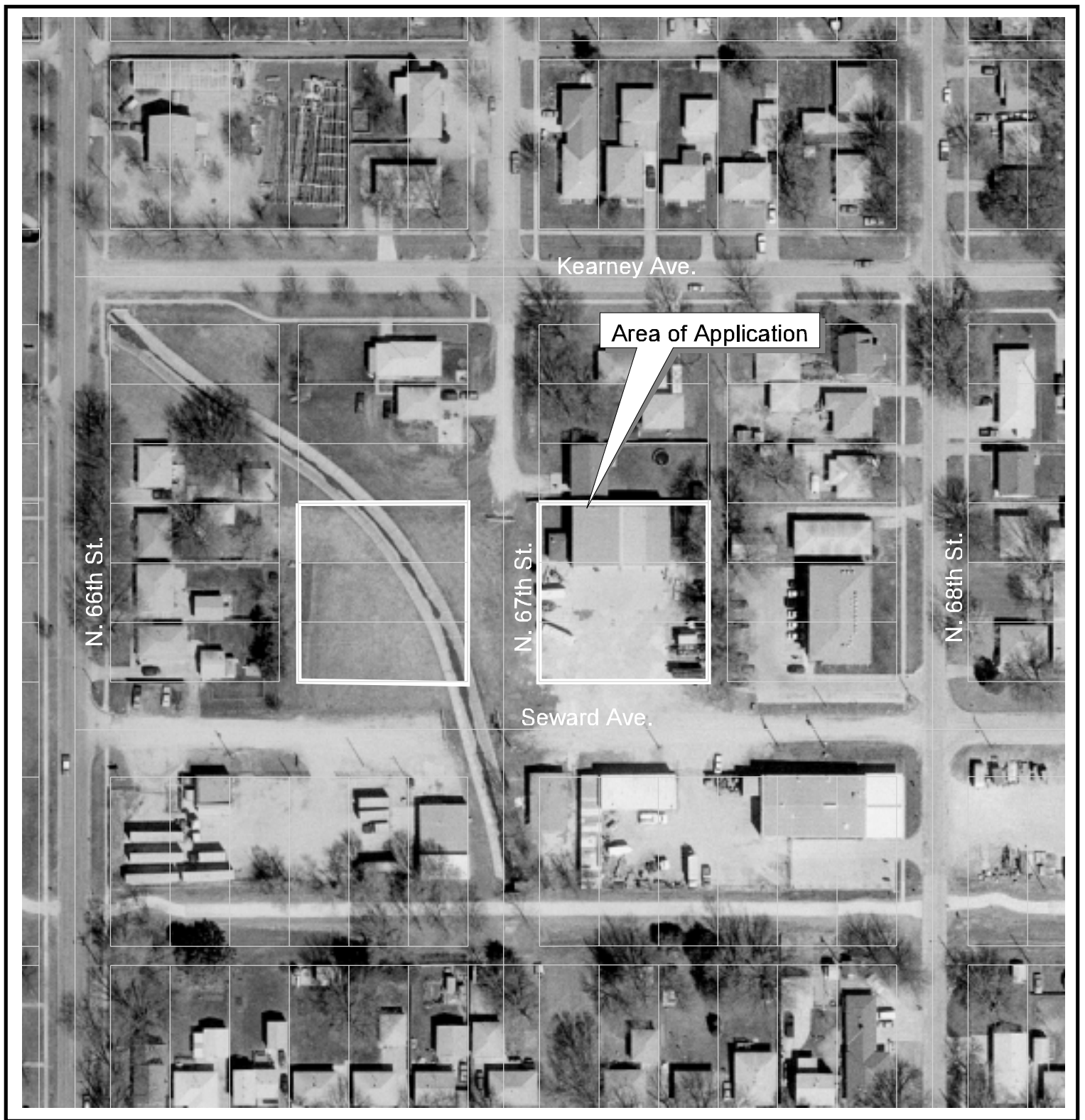
1. This is an application for a waiver of design standards to waive paving, sidewalks, street trees, storm sewer box, and a 60' turnaround in N. 67<sup>th</sup> Street with the associated Simonds Subdivision Administrative Final Plat #01065.
2. The proposed Simonds Subdivision is a result of a request to vacate N. 67<sup>th</sup> Street north 150' from the north line of Seward. The vacation created lots without street frontage or access. The Public Works & Utilities Department recommended approval of the vacation because the existing right-of-way intersects with a major open drainage channel. The Public Works & Utilities Department does not desire to have a box culvert constructed across Seward Avenue that would allow the paving of Seward Avenue for the entire frontage of the plat.
3. The Public Works & Utilities Department indicated that Seward Avenue is not paved from N. 66<sup>th</sup> - N. 67<sup>th</sup> Street. The opened portions east and west of the drainage ditch are gravel. If paving is required for Seward, it should be required from the west side of the drainage ditch to N. 66<sup>th</sup> Street and from the east side of the

drainage ditch to N. 68<sup>th</sup> Street. The development does not have sufficient frontage to theoretically have a paving district ordered for construction. If the developer was required to pave the street by executive order, he would pay for more paving off-site than adjacent to his plat.

4. The Public Works & Utilities Department indicated that if the developer is required to dedicate a 60' diameter cul-de-sac to provide a "design standards turn-around" for N. 67<sup>th</sup> Street, there would be little or no net gain of property with the vacation. The cul-de-sac would occupy the majority of the vacation and would require dedication outside the right-of-way. If the turn-around is dedicated and it is paved, paving would be required north of this plat to connect this street to Kearney Avenue.
5. The Public Works & Utilities Department indicated that if all of the subdivision requirements are imposed on this subdivision, the street vacation and subdivision will not likely proceed. The Public Works & Utilities Department recommends approval to the request to waive paving, 60' turnaround, sidewalks and storm sewer box. The Public Works & Utilities Department indicated that it is in the best interest of the City to vacate the portion of the street because it is unlikely the right-of-way will ever be used for street purposes.
6. The Public Works & Utilities Department indicated that eventually Seward Avenue may be paved and in that event, it is suggested that a requirement be imposed on the subdivision to submit a formal paving petition if adjoining property owners request a paving district.
7. Due to the recommendation of approval to waive the street paving, and Public Works & Utilities Department request that no storm sewer box be put in Seward Avenue sidewalks would not connect the two sides of the street and become unnecessary. Sidewalks should be installed at the time the street is paved.
8. The Parks and Recreation Department recommends approval to the request to waive street trees until the street improvements are required or requested.
9. There are other possible solutions to this issue, however, they would involve surrounding property owners and the vacation of Seward Avenue.

Prepared by:

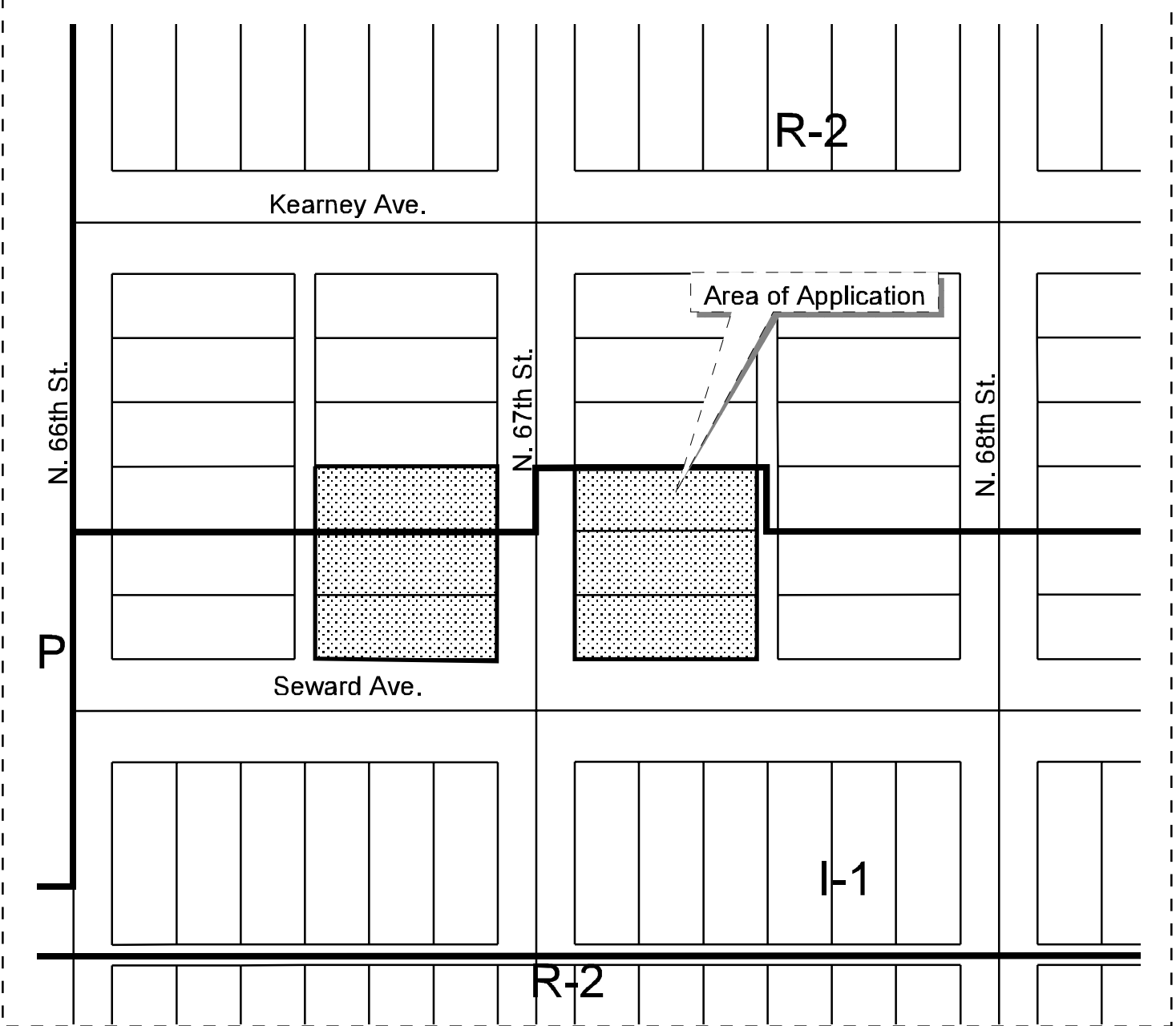
Planner



**Waiver of Design Standards #02002**  
**N. 67th & Seward Ave.**



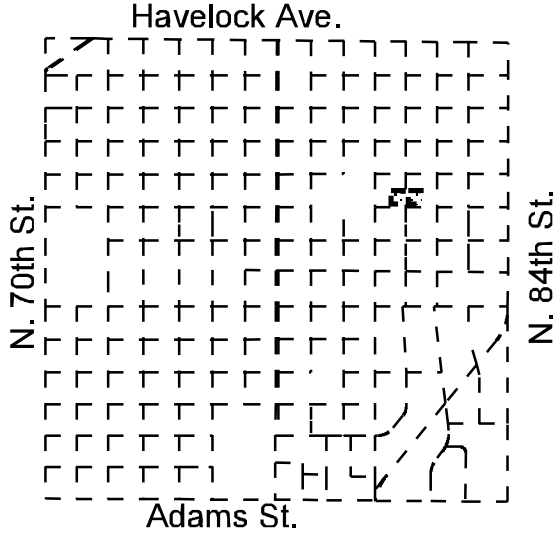
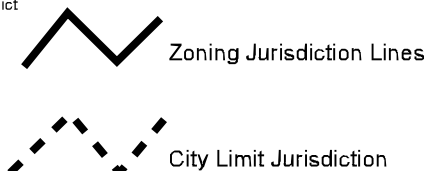
Photograph Date: 1993

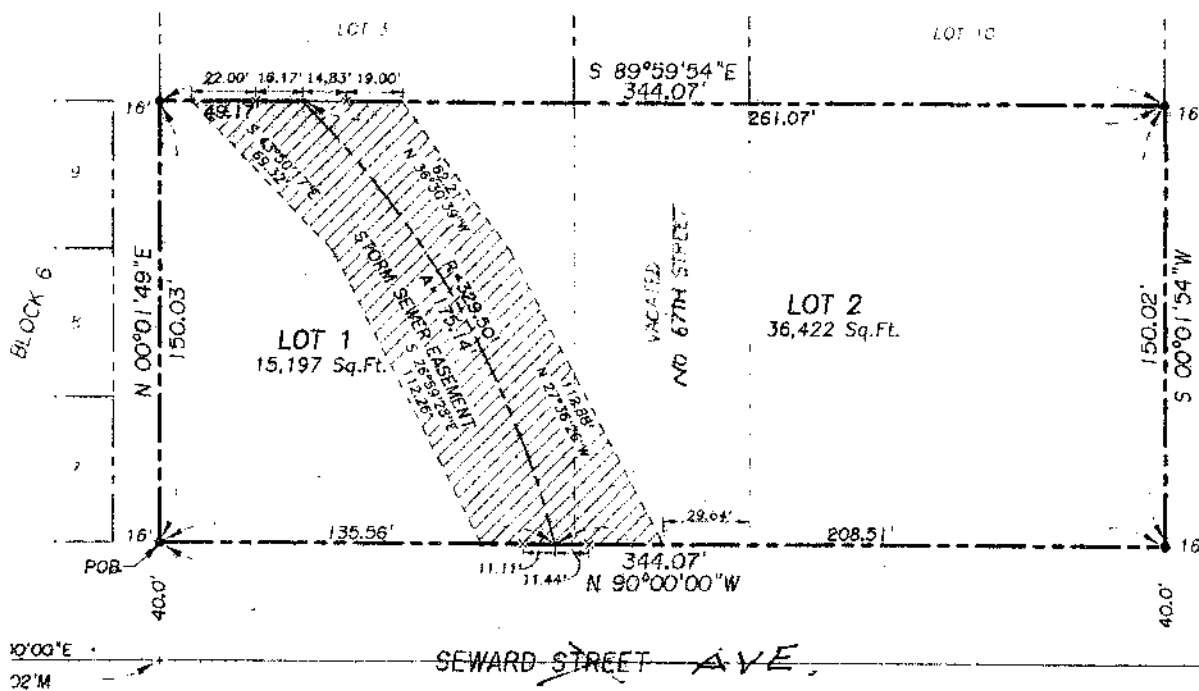


# **Waiver of Design Standards #02002** **N. 67th & Seward Ave.**

- Zoning:**
- R-1 to R-8 Residential District
  - AG Agricultural District
  - AGR Agricultural Residential District
  - R-C Residential Conservation District
  - O-1 Office District
  - O-2 Suburban Office District
  - O-3 Office Park District
  - R-T Residential Transition District
  - B-1 Local Business District
  - B-2 Planned Neighborhood Business District
  - B-3 Commercial District
  - B-4 Lincoln Center Business District
  - B-5 Planned Regional Business District
  - H-1 Interstate Commercial District
  - H-2 Highway Business District
  - H-3 Highway Commercial District
  - H-4 General Commercial District
  - I-1 Industrial District
  - I-2 Industrial Park District
  - I-3 Employment Center District
  - P Public Use District

One Square Mile  
 Sec. 9 T10N R7E





# **Hy-Electric**

**Commercial, Industrial, Residential**

P. O. Box 29471, • 6700 Seward Avenue

Lincoln, NE 68529

Phone (402) 466-6606 • FAX (402) 464-1575

January 29, 2002

Kathleen A. Sellman, AICP  
Director of Planning  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street Suite 213  
Lincoln, NE 68508

RE: Simonds Subdivision Administrative Final Plat - #01065 - Vacation of N. 67<sup>th</sup> Street

Dear Ms. Sellman:

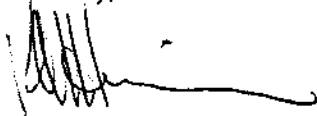
I am writing this letter on behalf JNP Investments LLC. JNP Investments owns Lots 7,8,9, Block 7 and Lot 4 of Block 6. We have been working with Darrel Simonds who owns Lots 5,6 of Block 6 to vacate the closed section of North 67<sup>th</sup> and replat it with the above lots into two usable parcels

Last October we received a copy of a letter from you to Darrel Simonds outlining the items needing to be completed in order to complete the processing of the administrative final plat. Upon reviewing the requirements, my partner and I determined the expense of the required paving would be financially unfeasible for any use we would have for the land. In addition, the proposed turn around at the end of 67<sup>th</sup> Street would eliminate the possibility of expanding of our existing business to the west.

Since that time, I have visited with Becky Horner, Brian Will and Dennis Bartels. My conversations with those individuals have lead me to believe that if given a clear explanation of the land as it now exists, and a formal request to waive the paving requirements, the planning department and city council may grant our request. \*

Please consider this letter that formal request. I will be glad to visit personally with you at your convenience to answer any questions you may have regarding this matter. The required \$100.00 check is enclosed with this letter. It is my understanding that given the date I am submitting this request it will be discussed at the March 6<sup>th</sup> meeting.

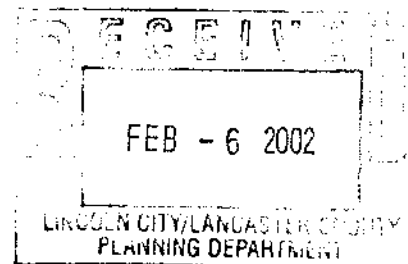
Sincerely,



Paul N. Heiman

\*PLEASE NOTE this request includes the waiver of

1. All paving
2. Box culvert (Storm sewer box)
3. 60' Turnaround on N. 67<sup>th</sup>
4. SIDE walks.
5. Street Trees



# Hy-Electric

**Commercial, Industrial, Residential**

P. O. Box 29471, • 6700 Seward Avenue

Lincoln, NE 68529

Phone (402) 466-6606 • FAX (402) 464-1575

February 18, 2002

Becky Homer  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street Suite 213  
Lincoln, NE 68508

RE: Simonds Subdivision Administrative Final Plat - #01065 - Vacation of N. 67<sup>th</sup> Street.

Dear Becky:

Thank you for your phone call to my office 2-15-02. Please add the street trees to the waiver request that I submitted January 29, 2002.

Sincerely,

  
Paul N. Heiman

Post-it® Fax Note	7671	Date	2/18/02	# of pages	▶
To	Becky Homer	From	Paul Heiman		
Co./Dept.		Co.			
Phone #		Phone #	466-6606		
Fax #	411-6377	Fax #	464-1575		



# M e m o r a n d u m

FEB 13 2002

**To:** Becky Horner, Planning  
**From:** *B* Dennis Bartels, Engineering Services  
**Subject:** Waivers for Simond Subdivision Administrative Final Plat  
**Date:** February 13, 2002  
**cc:** Roger Figard  
Nicole Fleck-Tooze  
Randy Hoskins

Engineering Services has reviewed the requested waivers for Simond Subdivision located north of Seward Street east of North 66th and has the following comments:

1. This subdivision was a result of a request to vacate 67th Street north 150' from the north line of Seward. The vacation would create lots with no street frontage. Public Works recommended vacation of 67th Street because the existing right-of-way intersects a major open drainage channel. Public Works does not desire to have the box culvert constructed across the Seward Avenue right-of-way that would allow the paving of Seward Avenue for the entire frontage of this plat. Seward is not paved between 66th and 68th. The opened portions east and west of the drainage ditch are gravel. If paving is required for Seward, it should be required from the west side of the drainage ditch to 66th and from the east side of the drainage ditch to 68th. This development does not have sufficient frontage to theoretically get a paving district ordered constructed. If the developer was required to pave the street by executive order, he would pay for more paving off-site than adjacent to his plat.
2. If the developer is required to dedicate a 60" diameter cul-de-sac to provide a "design standards turn-around" for 67th Street, there would be little or no net gain of property with the vacation. The cul-de-sac would occupy the majority of the vacation and would require dedication outside the right-of-way. If the turn-around is dedicated and it is paved, paving would be required north of this plat to connect this street to Kearney Avenue.
3. If all the subdivision requirements are imposed on this subdivision, I do not believe the street vacation and subdivision will not proceed. I therefore recommend that the paving and Seward Avenue storm sewer requirement be waived. It is in the best interest of the City to vacate the portion of 67th since it is highly unlikely that this right-of-way will be used for street purposes.
4. To cover the eventuality that Seward or portions of may be paved someday, I suggest that a requirement be imposed on this subdivision to submit a formal paving petition if adjoining property owners request a paving district.

# Memo



**To: Becky Horner, Planning Department**

**From: Mark Canney, Parks & Recreation**

**Date: February 20, 2002**

**Re: Simonds Subdivision Administrative Final Plat - #01065 - Vacation of N. 67<sup>th</sup> Street**

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and grant the waiver of street trees as requested, until additional property improvements are required by Public Works.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.